

REMARKS

Claims 43-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Inoue reference in view of the Murashita reference and further in view of U.S. Patent No. 6,477,318 to Ishii. By this amendment, claims 43, 44, 50, and 57 are amended without adding any new subject matter. The method of claim 43 includes transferring the graphical object and associated device profile from the imaging device to dynamically generate a profile. Support for the amendment can be found in the Applicant's specification on page 2, in the summary section.

The Inoue, Murashita and Ishii references, whether considered separately or together fail to teach or suggest all the claim limitations in claim 43. Specifically, the Inoue reference fails to associate the graphical object containing image data with the device profile. Instead, the Inoue reference teaches storing input device unique information unique to the device. That is, association between the graphical object containing image data and the device profile is not taught or suggested by the Inoue reference. Both the Murashita and Ishii references fail to teach dynamically generating a profile. In the Murashita reference the profile creation is based on user selection. In the Ishii reference, an image recording device merely processes dynamic picture image data from an input device having variable characteristics. In other words, neither the Murashita reference nor the Ishii reference teaches dynamically generating a profile, as claimed in claim 43. In this manner, the combination of Inoue, Murashita, Ishii reference fails to teach all the claim limitations of claim 43. Accordingly, claim 43 is not rendered obvious in view of the cited art.

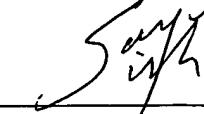
In the Murashita reference, a gray scale image patch of the brightness closest to the brightness of the pattern image delay displayed on the display device is selected. A user selection based estimation of an image capture characteristic is obtained. For example, a user selects using a user selection unit the brightness. In this manner, user develops a device profile where the device profile is not based at least on the conditions of image capture.

Rather than dynamically generating a profile, the Ishii reference teaches selection means wherein color space characteristic data is selected based on input characteristics of the image data. See, col. 4, ll. 6-10. In this manner, the Ishii reference fails to teach dynamic generation of a profile, as claimed in claim 43. Therefore, a *prima facie* case of obviousness of claim 43 is not established. The Examiner is respectfully requested to reconsider the Section 103 rejection of

claim 43. For similar reasons, other pending claims are also patentably distinguishable over the cited art. The Examiner is respectfully requested to consider all pending claims.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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